

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Gregory Pittman Marvin, # 153856,)	C/A No. 8:05-1228-CMC-BHH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Tom Fox, Director; and)	
Phillip Thompson, Horry County)	
Sheriff,)	
)	
Defendants.)	
)	

This matter is before the court on a *pro se* civil action filed by a county pre-trial detainee. Plaintiff alleges that he was assaulted and was denied proper medical treatment for his injuries while being detained at the Horry County Detention Center. Plaintiff seeks monetary damages.

In accordance with the court's order of reference, 28 U.S.C. § 636(b), and Local Rule 73.02 (B)(2)(b) and (d), DSC, this matter was referred to United States Magistrate Judge Bruce H. Hendricks for pre-trial proceedings and a Report and Recommendation. On May 4, 2005, the Magistrate Judge issued a Report recommending that this complaint be dismissed without prejudice and without service of process. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the

recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

The court has reviewed the record and the Report and Recommendation of the Magistrate Judge. The court agrees with the Magistrate Judge and hereby adopts the Report and Recommendation and incorporates it into this order. Accordingly, it is hereby

ORDERED that this action is *dismissed without prejudice and without issuance and service of process.*

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
May 31, 2005

C:\Documents and Settings\guest\Local Settings\Temp\notesFFF692\05-1228 Marvin v. Fox, et al. - dism without prej and without service.wpd